

**Memorandum of Understanding  
for  
The Energy-Efficient Building Systems Regional Innovation Cluster Initiative**

This Memorandum of Understanding (“**MOU**”) memorializes the agreement of the Partnering Agencies (defined below) to ratify and affirm their participation in the Interagency Regional Innovation Clusters Taskforce (the “**Taskforce**”), to abide by the procedures established by the Taskforce’s working group (identified in Exhibit A), and to work together to implement the Joint Federal Funding Opportunity Announcement (“**Joint FOA**”) issued February 8, 2010 for the Energy-Efficient Building Systems Regional Innovation Cluster Initiative (the “**Initiative**”).

The federal agencies involved in the Initiative and the Taskforce are:

- Department of Commerce (DOC), through its bureaus, the Economic Development Administration (EDA) and National Institute of Standards and Technology (NIST)
- Department of Labor (DOL),
- Department of Education (ED),
- Department of Energy (DOE),
- Small Business Administration (SBA), and
- National Science Foundation (NSF)

WHEREAS, DOE focuses on advancing the national, economic, and energy security of the United States; promoting scientific and technological innovation in support of that mission; and works to improve the efficiency of buildings and the equipment, components, and systems within them;

WHEREAS, DOC, through EDA, facilitates economic development through regional collaborations, leadership in innovation and entrepreneurship, and strategic initiatives focused on local and regional planning, technical assistance, and new forms of infrastructure;

WHEREAS, DOC, through the NIST Hollings Manufacturing Extension Partnership Program (NIST/MEP), enhances productivity and technological performance by strengthening the global competitiveness of U.S.-based manufacturing firms;

WHEREAS, DOL, through its Employment and Training Administration, supports activities at the state, regional, and local levels to link job seekers from all demographic groups including underrepresented communities, women, veterans, and disabled workers to employment and training opportunities and prepare workers for careers in high-growth and emerging industries;

WHEREAS, ED, through its formula-based state grant program, discretionary funded activities, and technical assistance efforts with state and local educational agencies, and institutions of higher education including community colleges, promotes and supports the development of career pathways and program of study models that provide

seamless transitions for students from high school to postsecondary education and careers;

WHEREAS, SBA, through its Small Business Development Centers and other assistance efforts, provides small business counseling, and technology commercialization, technology transfer and entrepreneurial development assistance; and

WHEREAS, NSF promotes science, technology, engineering and mathematics education, training and research.

DOE, EDA, NIST, and SBA are referred to herein as the “**Granting Agencies**” because they are making discretionary funds available under the Joint FOA. The Granting Agencies together with DOL and ED are referred to as “**Participating Agencies**” because they are the agencies who will participate in the selection of the funded Proposal. The Participating Agencies together with NSF are referred to as “**Partnering Agencies.**”

### **Background**

The Partnering Agencies have issued a Joint FOA to the public for the purpose of fostering and supporting a regional innovation cluster driven by innovation in energy-efficient building systems technology and design.

The Partnering Agencies have committed to fostering the following goals through the award and administration of the grants pursuant to the Joint FOA:

- Develop and demonstrate sustainable and efficient models for attaining national strategic objectives, with a focus on (i) developing, expanding, and commercializing innovative energy efficient building systems technologies, designs, and best practices for national and international distribution and (ii) reducing the carbon footprint of the United States;
- Create and retain Good Jobs;
- Eliminate gaps between the supply and demand for skilled workers in the E-RIC through training and education;
- Increase regional gross domestic product;
- Promote innovation in science and technology generally and, with respect to the Hub, promote energy efficient building systems, designs and best practices; and
- Enhance the economic, technological, and commercial competitiveness of the United States on the global stage.

### **Basic Commitments**

1. Each of the Participating Agencies hereby ratifies and affirms its participation in the Taskforce and has assigned the staff members listed in Exhibit A to the Taskforce's

working group. The Taskforce's working group is hereby delegated the authority to develop the operating guidelines that will govern the implementation of the Joint FOA (the "**Operating Guidelines**") from the Effective Date (defined below) of this MOU through a five-year period. Each Partnering Agency will ensure that all of its personnel involved in the implementation of the Joint FOA will adhere to the Operating Guidelines and follow them until the expiration of this MOU.

2. The Taskforce's working group is empowered to amend the Operating Guidelines in its discretion, as necessary, to ensure the orderly administration of the Joint FOA and the resulting funding awards.
3. The Participating Agencies agree to promote the highest standards of ethical behavior in the implementation of the selection process set forth in the Joint FOA and to take all necessary and reasonable steps to ensure that fairness, reason, and good judgment guide the selection of a Proposal for funding. The Participating Agencies shall ensure that every participant in the review and selection process maintains the highest ethical standards in carrying out his or her responsibilities.
4. No Participating Agency will commence review of the Proposals until this MOU has become effective and the Operating Guidelines are agreed upon and finalized by the Taskforce working group.

#### **General/Miscellaneous**

1. This MOU is neither a fiscal nor a funds obligation document. Nothing in this MOU authorizes or is intended to obligate the Partnering Agencies to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value. No funds will be transferred to, or among, the Partnering Agencies pursuant to the Joint FOA or this MOU. Each Partnering Agency will bear the costs of its own participation in the processes described in the Joint FOA and this MOU, subject to the availability of funds.
2. This MOU is strictly to facilitate inter-agency management and coordination of activities affecting, and the orderly administration of, the Joint FOA. This MOU shall not be construed to create a private right or cause of action for or by any person or entity.
3. All agreements herein are subject to, and will be carried out in compliance with, all applicable laws, regulations and other legal requirements. The Partnering Agencies agree that the activities contemplated by the Joint FOA, this MOU, and the Operating Guidelines to be developed by the Taskforce's working group do not implicate the Federal Advisory Committee Act.
4. Terms capitalized but not otherwise defined will be as defined in the Joint FOA.
5. This MOU will become effective upon the full execution of this document by all Partnering Agencies' authorized representatives (the "**Effective Date**"). Unless

extended by amendment, this MOU will remain in full force and effect for a period of 5 years after the Effective Date, at which point it shall terminate without any further action required by any party.

6. This MOU may be amended at any time by written amendment signed by each Partnering Agency's authorized representative; however, a Partnering Agency may update information with respect to its designated representatives named in Exhibit A by written notification to the signatories to this MOU and the members of the Taskforce's working group.

7. For purposes of this MOU, facsimile and electronic signatures of the Partnering Agencies' authorized representatives are acceptable. This MOU may also be executed in separate counterparts, all of which together shall constitute one and the same instrument.

8. Authorities of Partnering Agencies.

i. DOE enters into this MOU under the authority of section 646 of the Department of Energy Organization Act (Pub. L. 95-91, as amended; 42 U.S.C. Section 7256).

ii. ED enters into this MOU under the authority to enter into agreements in section 415 of the Department of Education Organization Act (DEOA) (20 U.S.C. Section 3475), and consistent with the purposes set forth in section 102(4), (5) and (6) of the DEOA (20 U.S.C. Section 3401(4), (5) and (6)).

iii. DOL enters into this MOU under the authority of 29 U.S.C. Section 551, which established the Department for the purposes of fostering, promoting, and developing the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

iv. EDA enters into this MOU under the authority of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*) (PWEDA).

v. NIST enters into this MOU under the authority of 15 U.S.C. Section 278k, which authorizes the Hollings Manufacturing Extension Partnership Program.

vi. SBA enters into this MOU under the authority of section 8(b)(1)(A) of the Small Business Act (15 U.S.C. §637(b)(1)(A)) which enables the SBA to cooperate with other Federal agencies to provide technical, managerial and informational aids to small businesses.

vii. NSF enters into this MOU under the authority of the National Science Foundation Act of 1950 (Pub. L. 81-507).

[signatures on following page]

**Signature Page to the Memorandum of Understanding for the  
Energy-Efficient Building Systems Regional Innovation Cluster Initiative**

IN WITNESS WHEREOF, the Partnering Agencies' authorized representatives have executed this Memorandum of Understanding as of the date(s) indicated below.

\_\_\_\_\_  
Cathy Zoi, Assistant Secretary,  
Energy Efficiency and Renewable Energy,  
Department of Energy

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brenda Dann-Messier,  
Assistant Secretary for Vocational and Adult Education,  
U.S. Department of Education

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jane Oates,  
Assistant Secretary for Employment Training Administration,  
US Department of Labor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. William Spriggs,  
Assistant Secretary for Policy,  
US Department of Labor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Karen G. Mills,  
Administrator of Small Business Administration

\_\_\_\_\_  
Date

\_\_\_\_\_  
John R. Fernandez,  
Assistant Secretary of Commerce for Economic Development

\_\_\_\_\_  
Date

\_\_\_\_\_  
Patrick Gallagher,  
Director of National Institute of Standards and Technology

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Arden L. Bement, Jr.,  
Director of National Science Foundation

\_\_\_\_\_  
Date

## **Exhibit A**

### Taskforce Working Group

DOL

Amy Young

Earl-Francisco Lopez

ED

Greg Henschel

EDA

Barry Johnson

Maureen Klovers

Rachel Toker

NIST/MEP

Aimee Dobrzeniecki

DOE

Ron Lewis

JoAnn Miliken

SBA

Christine Koronides

Ann Bradbury

NSF

Greg Rorrer